

Sex Offender Fact Sheet

*Prepared for Senate Judiciary Committee
January 2007*

Overall

- The Montana corrections system had 1,357 sex offenders under supervision as of Jan. 22, 2007.
- 695 (51 percent) were on probation, parole or intensive supervision.
- 602 (44 percent) were in prison.
- 47 (4 percent) were in alternatives to prison such as prerelease centers, the boot camp, the assessment and sanction center in Missoula, the sanction and revocation center at Warm Springs and county jails.
- 13 (1 percent) were in other custody status.
- 120 new sexual offenders are incarcerated each year

Probation and Parole

- 463 (67 percent) had no designated tier level set by the courts
- 72 (10 percent) were designated the lowest level of Tier 1
- 115 (17 percent) were Tier 2
- 45 (6 percent) were Tier 3, the highest risk level
- If the tier designations are allocated in the same proportions for those offenders without a designation, the probation and parole population would contain a total of 216 Tier 1 offenders, 346 Tier 2 offenders, and 133 Tier 3 offenders.

Prison

- 602 inmates (24 percent) of the total Montana prison population (Montana State Prison, Montana Women's Prison, regional and private prisons) were sex offenders as of Jan. 22, 2007.
- 326 (54 percent) had no designated tier level
- 45 (7 percent) were designated Tier 1
- 137 (22 percent) were Tier 2
- 94 (15 percent) were Tier 3
- If the tier designations are allocated in the same proportions for those offenders without a designation, the prison population would contain a total of 97 Tier 1 offenders, 300 Tier 2 offenders, and 205 Tier 3 offenders.
- 24 (4 percent) of incarcerated sex offenders are pedophiles
- 548 (91 percent) of incarcerated sex offenders knew their victims
- 85 (14 percent) of incarcerated sex offenders committed their crime in a public place

- 30 (5 percent) of incarcerated sex offenders consider themselves homosexual
- 30 (5 percent) of incarcerated sex offenders were convicted of a status offense
- 480 inmates (33 percent) at Montana State Prison alone were sex offenders

Treatment

- 274 sex offenders (45 percent) in prisons are waiting for treatment. *(See attached document explaining treatment programs.)*
- Waiting periods vary according to earliest potential release date. Those inmates closest to release get top priority. The wait for getting into Phase I treatment can be a week for an inmate within three years of release. The wait for Phase II treatment can be up to two years. The waiting lists are a product of inadequate staff and facilities for group sessions. *(See attached document regarding prioritizing the waiting list.)*
- 55 sex offenders in prison (9 percent) are refusing treatment
- 65 sex offenders per year leave prison without completing treatment
- 35 sex offenders per year leave prison after completing treatment
- 21 percent of sex offenders failing to complete treatment finish their sentences and leave prison with no community supervision
- 10 percent of treated sex offenders finish their sentences and leave prison with no community supervision

Recidivism

- 23 percent of sex offenders who complete treatment return to prison for a violation of conditions imposed on their community placement
- 49 percent of sex offenders who fail to complete treatment return to prison for a violation of conditions imposed on their community placement
- 2 percent of sex offenders who complete treatment return to prison for a new sexual offense
- 25 percent of sex offenders who fail to complete treatment return to prison for a new sexual offense

Age

The following information is based on data as of Jan. 30, 2006.

- Only 12 (0.9 percent) of all sex offenders in the corrections system were less than 20 years old.
- 752 (55 percent) were 40 years old or older
- 1,073 (78 percent) were 30 years or older
- Of the sex offenders in prison, 7 (1.1 percent) were under 20 years old, 316 (52 percent) were at least 40 years old and 457 (76 percent) were over 30.
- Of the sex offenders outside of prison, 5 (0.6 percent) were under 20 years old, 436 (57 percent) were 40 years or older, and 616 (80 percent) were at least 30 years old.

Sentencing

This is a summary of sentence length and type for 10½ fiscal years, from July 1, 1996 to Jan. 1, 2007

- Out of 1,232 sex offenders sentenced, 758 (61 percent) received a prison term, 332 (27 percent) were given a suspended sentence and 143 (12 percent) received a deferred sentence.
- Of those sent to prison, 577 (76 percent) had part of their prison term suspended and 181 (24 percent) did not. Fifteen of those (2 percent) received prison sentences of life.
- 554 (45 percent) of all those sentenced received some kind of prison, suspended or deferred term of 100 months (8.3 years) or more. The average sentence for this group was 19½ years.
- The average term for those receiving a sentence of less than 100 months was 6 years.
- The overall average sentence was 13½ years.
- Excluding life sentences, the average prison sentence with no portion suspended was nearly 29 years. This category represented the longest of any sentences.
- The average prison term with a partial suspension was about 10 years in prison and about 13 years suspended.
- The average for those receiving only a deferred sentence was about 4½ years.
- The average for those receiving only a suspended sentence was almost 12 years.
- For the 433 sex offenders who violated conditions of their probation, 83 percent were sent to prison, 15 percent received a suspended sentence and 2 percent got a deferred sentence.

Sex Offender Incarceration Rates

A survey of other rates shows Montana has one of the higher rates.

Federal prisons – 6%

South Carolina – 10%

Florida – 11%

Arizona – 11%

Michigan – 11%

New York – 11%

New Mexico – 12%

Nevada – 14%

Delaware – 16%

Texas – 16%

Nebraska – 16%

Illinois – 17%

Idaho – 19%

Indiana – 21%

Montana – 24%

Wisconsin – 26%

New Hampshire – 28%

Chemical Dependency Program – Length of Services

Primary Care Group – Six weeks if conducted twice per week
Twelve weeks if conducted once per week

Intensive Treatment Unit (ITU) – Sixty to ninety day program

Relapse Prevention Group – Six weeks if conducted twice per week
Twelve weeks if conducted once per week

Methamphetamine Intensive
Treatment Unit (Meth ITU) – Six month program

Medicine Wheel Group – Six weeks if conducted twice per week
Twelve weeks if conducted once per week

Continuing Care Group – Open ended; undetermined length

Co-occurring Group – Twelve to fourteen weeks
(CD & Mental Health Issues)

Sex Offender Program – Length of Services

Sex Offender Program Phase I – Sixteen weeks

Sex Offender Program Phase II – Varies based on motivation: 18-30 months
(Intensive Treatment Unit-ITU)

Sex Offender Program Phase II – Varies based on motivation: 18-30 months
(Outpatient-OP)

Sex Offender Program Phase II – Varies based on motivation: 8-14 months
(Special Needs)

Sex Offender Program Pre-Phase II – Six to eight months
(Orientation)

Sex Offender Program Phase II Statutory – Six to nine months

Sex Offender Program Phase III – Open ended; until discharge from MSP

PRIORITIZING THE WAITING LIST FOR SEX OFFENDER TREATMENT

Waiting lists are prioritized by certain information in relation to each inmate. Each inmate is placed into a coded category based on this information. It is not a "first come, first served" process. This process was established in 1994 and our department is legally bound by this. The codes are as follows:

1. Discharge within three years
2. Parole or Pre-release upon completion of group
3. Reappear at Parole Board or Pre-release screening upon completion of group.
4. Court Ordered Treatment
9. General Category
99. Life without Parole

The highest priority is Code 1, then Code 2, Code 3, etc. Additionally, each coded category is prioritized by earliest potential release dates (Parole Date). Using this system, it is very possible for inmates to fluctuate in their respective coded category as other inmates are screened with earlier potential release dates and placed in the same category. An example would be an inmate being #6 on a waiting list one month, then #17 the next month, and maybe even #23 the next month. It is the responsibility of the inmate to contact the Sex Offender Department if they have documented official changes in their potential release dates (Parole Date) or discharge dates, as any changes could greatly impact your position on the waiting list and when you begin sex offender treatment. Individuals who are removed from group due to unforeseen circumstances such as on leave to court or medical issues will be placed at the top of the waiting list once they are returned to Montana State Prison, and placed into group as soon as there is an opening.

BY SIGNING THIS FORM I ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO INFORM THE SEX OFFENDER DEPARTMENT OF ANY OFFICIAL CHANGES IN MY RELEASE DATES OR POTENTIAL RELEASE DATES

INMATE _____ DATE _____

AO# _____

MSP STAFF _____ DATE _____

5/08/06